

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Paul Hupp,
Petitioner,
v.
Kamala Harris, Secretary,
Respondent.

Case No.: 16-cv-00767-GPC-BGS

ORDER GRANTING IN PART AND DENYING IN PART PENDING MOTIONS

[ECF Nos. 11, 13, 15, 20]

Currently before the Court are four motions filed by Petitioner Paul Hupp. (ECF Nos. 11, 13, 15, 20.) The Court GRANTS IN PART AND DENIES IN PART the four motions (ECF Nos. 11, 13, 15, 20) in that:

21 1. Pursuant to Civil Local Rule 16.1.e.1, status conferences are not required in
22 habeas corpus cases. In his motions, Petitioner's primary ground for requesting either a
23 status update or status conference is his belief that, after February 18, 2018, his Petition for
24 Writ of Habeas Corpus may be dismissed as moot because Petitioner will no longer be
25 subject to a liberty restraint. (*See* ECF Nos. 11, 13, 15, 20.) However, no motion to dismiss
26 for mootness is before the Court. Moreover, Petitioner alleges a wrongful criminal
27 conviction, which is presumed to have continuing collateral consequences even after he is
28 released from custody. *Spencer v. Kemna*, 523 U.S. 1, 8 (1998); *see also United States v.*

1 *Hunter*, 691 F. App'x 313, 314 (9th Cir. 2017) ("The completion of [petitioner's] sentence
2 moots her appeal of that sentence, but not the appeal of her conviction."). Thus, on the
3 record before the Court, the Court concludes that neither a status conference nor a status
4 update (beyond that which is set forth below) is appropriate as the Petition is not necessarily
5 mooted merely by Petitioner's release from custody;

6 2. This case was transferred to the undersigned magistrate judge on February
7 21, 2018. (ECF No. 18.) Having reviewed the docket for this case, no further briefing is
8 required from the parties concerning the Petition. The following 3,200-plus pages of
9 materials remain pending before the Court: the Petition for Writ of Habeas Corpus,
10 Respondent's answer and lodgments, and Petitioner's reply. (ECF Nos. 1, 5, 6, 8.) Based
11 upon the records and pleadings presently filed in this case, the Court will analyze the issues
12 and issue a report containing proposed findings of fact and recommendations for
13 disposition of the Petition by the district judge. *See* CivLR 72.1.d;

14 3. As a courtesy, **the clerk of court is directed to mail** a current copy of the
15 docket report for this case to Petitioner at his address of record; and

16 4. Any and all future updates from the Court in this case may be obtained by
17 referring to the docket via CM/ECF PACER, at the Clerk's Office public terminals, or
18 contacting the Clerk's Office at 619-557-5600. *See* www.casd.uscourts.gov. Court
19 personnel are prohibited from providing time estimates for rulings, giving legal advice, or
20 discussing the merits of a case.

21 **IT IS SO ORDERED.**

22 Dated: February 26, 2018

23
24
25 
26 Hon. Jill L. Burkhardt
27 United States Magistrate Judge
28